

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST JANUARY 2007 / 11 SAKHA 1928

Crl.MC.No. 4097 of 2006()

CRMP NO.5387/06 IN CRA.644/2006 of SPL.COURT SPE/CBI-II & IV ADDL.SESIONS
COURT, ERNAKULAM
.....

PETITIONER: APPELLANT/ACCUSED

SHAJI.M.KURIAKOSE,
S/O.KURIAKOSE, MUNDACKAL HOUSE,
VEMBILLY KARA, KUNNATHUNADU VILLAGE.

BY ADV. SRI.BIJU K. VAVA

RESPONDENTS: COMPLAINANT

1. N.K.JARDY, S/O.KURIAKOSE,
NEDUVILADATHIL HOUSE, ONAKUR VILLAGE
(PARTNER ARK FINANCE AND KURIES, T.D.ROAD,
MUVATTUPUZHA.
2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM (CRL.APPEAL NO.644/06 IVTH ADDL.SESIONS
COURT, ERNAKULAM).

BY PUBLIC PROSECUTOR SRI.K.A.AKBAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 01/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Crl.M.C.No.4097 of 2006

Dated this the 1st day of January 2007

O R D E R

The petitioner has been found guilty, convicted and sentenced in a prosecution under Section 138 of the Negotiable Instruments Act. The cheque is for an amount of Rs.76,000/-, it is submitted. The appellate judge suspended the execution of the sentence on condition that the petitioner deposits an amount of Rs.26,000/- within a period of one month and executes a bond for Rs.25,000/- with two solvent sureties before the trial court. That order was passed on 23/08/2006. The condition of deposit has not been complied with. The learned counsel for the petitioner, at the stage of arguments, only prays that a reasonable further time may be granted to the petitioner to comply with the condition and avoid the consequence of being forced to endure the punishment pending disposal of this appeal.

2. No arguments are advanced seriously on merits about the validity of the conditions imposed. The short prayer is that reasonable further time may be granted to comply with the conditions.

3. In the circumstances of the case, I am satisfied that the petitioner can be granted time till 05/02/2006 to comply with the condition imposed as per order dated 23/08/2006.

4. This Criminal Miscellaneous Case is accordingly allowed in part to the above extent.

Hand over copy of this order to the learned counsel for the petitioner.

(R.BASANT, JUDGE)

jsr

R.BASANT, J

C.R.R.P.No.

ORDER

21ST DAY OF JULY 2006